

To: Ireland, Scott[ireland.scott@epa.gov]; Bell, Brian[bell.brianc@epa.gov]
Cc: Higginbotham, Paul[PHIGGINB@idem.IN.gov]; Pierard, Kevin[pierard.kevin@epa.gov]; Colletti, John[colletti.john@epa.gov]; Pellegrini, Janet[pellegrini.janet@epa.gov]
From: Hess, Catherine
Sent: Fri 10/9/2015 5:52:19 PM
Subject: RE: Groundwater Remediation General Permit
Groundwater Petroleum Remediation Draft 2014 NPDES General Permit ING080000.pdf

Scott in answer to your questions:

1. We public noticed the initial draft general permit on 12/15/2014 (see attached). That draft GP only contained the effluent limits in Tables 1 and 2 because in the explanation of what we mean by “petroleum remediation”, we specified that it only meant gasoline. We did that because in discussions with U.S. EPA concerns had been raised that if we were going to include other contaminants, we’d need to include additional parameters. The current GP-by-rule does not contain that restriction. It doesn’t discuss or define “petroleum” to specify any particular contaminants. We wanted to try to keep things as much the same from the permit-by-rule as we could, so we made an assumption that for the most part we were only dealing with gasoline contamination. Then during the public comment period, several representatives of the regulated community asked us to broaden the scope of coverage to include diesel fuel and kerosene. So that’s what we are trying to do here.
2. I say it is more stringent in that we have added new effluent limitations and monitoring requirements (naphthalene and PAHs) to address the potential additional contaminants (diesel fuel and kerosene). I don’t believe that we have made any other changes that would deem it less stringent. Yes, we would be broadening the scope of types of wastewater contamination that could be covered by the GP, however, the type of potential sources (gas stations) remains the same. And I suspect that we probably have some current general permit holders that are in this category and would otherwise be forced to obtain an individual permit, when that really isn’t necessary.
3. We’ve thought about the potential for challenge or appeal if the revised GP isn’t public noticed, but we believe it is highly unlikely.

Thanks for the quick reply!

Catherine

From: Ireland, Scott [mailto:ireland.scott@epa.gov]
Sent: Friday, October 09, 2015 1:32 PM
To: Hess, Catherine; Bell, Brian
Cc: Higginbotham, Paul; Pierard, Kevin; Colletti, John; Pellegrini, Janet
Subject: RE: Groundwater Remediation General Permit

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Catherine,

A couple of questions to help with this request.

1. Was this ever public noticed?
2. You state that this draft is more stringent. Is that across the board (meaning are some things more stringent and others less)?
3. Is there any thought or concern that if it is not public noticed that it would be challenged?

Thanks,

Scott

D. Scott Ireland

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From: Hess, Catherine [<mailto:CHESS@idem.IN.gov>]

Sent: Friday, October 09, 2015 10:58 AM

To: Bell, Brian; Ireland, Scott

Cc: Higginbotham, Paul

Subject: Groundwater Remediation General Permit

Importance: High

I have a time-sensitive question to pose to you, and I apologize in advance for not giving you much time to react to it. I really need an answer today. It has to do with whether or not we HAVE to public notice the revised draft general permit for the Groundwater Petroleum Remediation GP.

As you know we've been working on revisions to the groundwater remediation general permit to incorporate permit language and effluent limits that would allow for sites remediating diesel fuel and kerosene to also be covered by this GP. We've been tasked with making minimal changes to the GPs from the permit-by-rule format because it was only supposed to be a format conversion along with the incorporation of any new federal or state regulatory requirements. (Wish list items have to wait for a future modification or permit renewal.)

As I understand it the rule packet that will repeal the first 5 general permits is currently at the Governor's office and will likely be filed with the Legislative Services Agency any day now, which means the repeal will likely go into effect in the next 35 to 40 days. We've sent legal ads to several newspapers for publication on Tuesday, October 13th, but we're very concerned about the timing. What if we were to rescind the publication and just issue the final permit with the additional provisions for those facilities which are remediating diesel fuel and kerosene? Do we actually have to public notice the revised GP? Obviously we have been and would be notifying the regulated community prior to the issuance of the final permit of the changes, but it would help retain coverage for all of the facilities that are currently covered by the general permit.

The additional monitoring requirements do make the general permit more stringent. We have

removed several of the additional parameters that we had included in the last unofficial draft that we sent to you, because we discovered that those parameters were really gasoline-based constituents, and not really related to diesel fuel. So we added a third table with limits for naphthalene and monitoring for PAHs for those facilities which are remediating diesel fuel and kerosene. I am attaching a copy of the latest version of the GP and fact sheet for your review. I have highlighted the newest language in the general permit, which appears on pages 4 and 5.

We're still requiring the expanded pollutant list for the wastewater characterization in the NOI, and we still have the provision in the permit that allows the Commissioner to include additional monitoring requirements, if necessary. (See Section 3.1 on page 6) Or the permittee could still be required to obtain an individual permit as a result of the NOI review.

The reason I need a quick response is to give the newspapers enough time to yank the legal ad placement, if it is determined that we could potentially proceed without it. Any advice or input that you can provide today would be GREATLY APPRECIATED.

Catherine Hess, Chief

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